

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**EMPLOYERS & CEMENT MASONS #90
HEALTH & WELFARE FUND et al.,**

Plaintiffs,

v.

**JOHNNY PASTORIZA,
d/b/a
J-J CONSTRUCTION,**

Defendant.

No. 12-0270-DRH

MEMORANDUM and ORDER

HERNDON, Chief Judge:

Now before the Court is plaintiffs' motion for default judgment (Doc. 9). A review of the motion indicates that plaintiffs did not comply with Local Rule 55.1 in filing the motion. The Court notes that Local Rule 55.1(a) requires the moving party to: (1) "give notice of the entry of default to the defaulting party by regular mail sent to the last known address of the defaulted party," and (2) "certify to the Court that notice has been sent." Further, Local Rule 55.1(b) requires that the motion seeking default judgment "shall contain a statement that a copy of the motion has been mailed to the last known address of the party from whom default judgment is sought. If the moving party knows, or reasonably should know, the identity of an attorney thought to represent the defaulted party, the motion shall also state that a copy has been

mailed to that attorney.”

Here, it appears to the Court that plaintiffs did not follow the local rules in filing the motion to for default judgment. Local Rule 55.1 requires that notice must be mailed (not emailed) to the last known address of the party from whom default is sought. It also requires that if the moving party knows or has reason to know the identity of an attorney thought to represent that the defaulted party the motion shall state that a copy has been mailed to that attorney. Further, the attorney for the moving party must certify, as an officer of the court, the he or she does not have knowledge that the defaulted party is represented by counsel for any matter whatsoever and there is no counsel to whom the motion can be mailed. This procedure was not followed in this case. Accordingly, the Court **ALLOWS** plaintiffs to file a supplement to the motion for default judgment on or before June 21, 2012.

IT IS SO ORDERED.

Signed this 7th day of June, 2012.

David R. Herndon



David R. Herndon

2012.06.07

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**Chief Judge
United States District Court**